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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

PHILLIP E. SMITH,

Plaintiff,

v.

LAS VEGAS METRO POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:15-CV-01011-JCM-PAL

ORDER

Presently before the court is the matter of *Smith v. Las Vegas Metropolitan Police Department et al*, case no. 2:15-cv-01011-JCM-PAL.

On March 1, 2017, plaintiff Phillip E. Smith filed a motion for 30-day time extension for interrogatories and production of documents, (ECF No. 46), a motion for appointment of counsel for his appeal to the Ninth Circuit (ECF No. 48), and a motion for court order for exhibits for his appeal to the Ninth Circuit (ECF No. 49).

Also on March 1, 2017, plaintiff filed a notice of appeal as to the clerk's judgment. (ECF No. 47.) On March 7, 2017, the Ninth Circuit referred the case to this court for a determination of whether plaintiff's *in forma pauperis* status should continue on appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 51.) On March 22, 2017, this court ordered that plaintiff's *in forma pauperis* status be revoked. (ECF No. 52.)

On October 5, 2017, the Ninth Circuit dismissed plaintiff's appeal as frivolous. (ECF No. 53). Plaintiff's motions regarding appointment of counsel and court order of exhibits are therefore moot. Further, plaintiff's motion for time extension, which requested an extension through April 6, 2017, to conduct interrogatories and request documents, is moot. The court will therefore deny plaintiff's motions.

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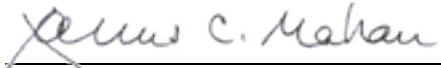
Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for time extension (ECF No. 46) be,  
and the same hereby is, DENIED as moot.

IT IS FURTHER ORDERED that plaintiff’s motion for appointment of counsel (ECF  
No. 48) be, and the same hereby is, DENIED as moot.

IT IS FURTHER ORDERED that plaintiff’s motion for court order for exhibits (ECF No.  
49) be, and the same hereby is, DENIED as moot.

DATED THIS 18<sup>th</sup> day of October, 2017.

  
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JAMES C. MAHAN  
UNITED STATES DISTRICT JUDGE